

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed September 30, 2005. At the time of the Final Office Action, Claims 1-6, 8-12 and 14-20 were pending in this Application. Claims 1-6, 8-12 and 14 were rejected. Claims 1, 2, 5, 6, 8, 9, 11 and 14 have been amended to further define various features of Applicant's invention. Claims 7 and 13 were previously cancelled without prejudice or disclaimer and Claims 15-20 were cancelled due to an election/restriction requirement. Applicant respectfully requests reconsideration and favorable action in this case.

#### **Election/Restriction Requirement**

The Examiner set forth an election restriction requirement of the claimed inventions between Claims 1-14, drawn to a breakaway packing system, (classified in class 206, subclass 320), and Claims 15-20, drawn to a method of packing a computer system, (classified in class 53). Applicant made a provisional election with traverse to prosecute the invention of Group I, Claims 1-14. Applicant hereby confirms that election. Accordingly, Applicant hereby cancels Claims 15-20 without prejudice or disclaimer and elects that the cancelled claims are subject to the filing of a divisional application.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-3, 5 and 6 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by UK Patent Application No. GB2246115A by Stephen Gale ("Gale"). Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

As amended, Independent Claim 1 recites a breakaway packaging system that includes, among other limitations, "at least three detachable joints formed in the packing support, the at least three detachable joints operably detachable to cause the top section to separate from the bottom section." Emphasis added.

The Gale reference generally describes packing fitments 14. See Figure 1. Packing fitments 14 include a first portion that includes an upper horizontal bar 16 that is connected with a side bar 20 and a second portion made up of a lower horizontal bar 18 connected with

another side bar 20. Additionally, end bars 22 are connected with side bars by an integral flex-hinge connection. See Fig. 1.

Accordingly, the first section portion of the fitment (bars 16 and 20) is connected to the second portion of the fitment (bars 18 and 20) by two joints. In contrast, Independent Claim 1 recites at least three detachable joints between the top section and the bottom section of the packaging system. Further, there is no disclosure within Gale of including an additional (third) joint between the top section and the bottom section of the fitment. Additionally there is no teaching or suggestion with Gale of including an additional joint--the fitment of Gale is practiced with only the two joints described and, given the structure of the figments, there is no location in which an additional joint may be added to the fitment of Gale that would increase the functionality thereof.

Additionally, as previously argued, Applicant maintains that the packaging materials taught by Gale fail to disclose, teach or suggest a detachable joint that allows a top section of a packing support to be removed such that an information handling system can be removed from a box while the bottom section of the packaging support remains in the box. Examiner relies on the formation of the fitments from a "resiliently deformable foam material." September 30, 2005 Office Action, page 5. However, Applicant notes that the cited portion of Gale reads:

The fitments 14 are preferably made of resilient, shock-absorbing material such as closed cell polyethylene foam, foam rubber, or the like, so that the fitments 14 act as suspension members interposed between the inner and outer containers to absorb and damp out acceleration or decelerational forces applied via the outer container, for example, if the package is dropped or struck by another package.

Page 6, lines 2-9, emphasis added.

Applicant notes that 1) the cited section does not directly disclose the "deformability" of the material as cited by the Examiner 2) the material qualities are discussed as they relate to their shock-absorbing capabilities (not deformability) and 3) there is no discussion in the cited section that relates to the material relevant to the disjoining or joining of the joints that would suggest that first portion (bars 16 and 20) can be detached from second portion (bars 18 and 20), allowing the removal of the computer while maintaining the second portion in a

shipping container or box. Accordingly, Applicant submits that Examiner has misinterpreted Gale and that the geometry of the fitments of Gale require the removal of the entire fitment (and associated computer or information handling system) from the shipping container or box before separating the sections of the fitments.

For at least these reasons, Applicant respectfully submits that Gale fails to disclose, teach or suggest each and every element as set forth in independent Claim 1. Accordingly, Applicant requests reconsideration, withdrawal of the §102 rejection and full allowance of independent Claim 1 and Claims 2-3 and 5-6 which depend therefrom.

#### **Rejections under 35 U.S.C. §103**

##### **Claim 4**

Claim 4 was rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Gale. For the reasons discussed above, Applicant respectfully traverses and submits that Claim 4 depends from a claim that has now been placed in condition for allowance, thereby obviating the present rejections under §102(b) and/or §103. Accordingly, Applicant requests reconsideration, withdrawal of the rejections and full allowance of Claim 4.

##### **Claims 8-12 and 14**

Claims 8-12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Prior Art Figure 1 ("PA1") of the instant application in view Gale. Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious. In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent Claim 8 recites an information handling system packaged for shipping that includes, among other limitations, detachable container supports having a first section and a second section, where "at least three joints formed in the container support, the at least

three joints operably detachable to cause the container support to separate into the first section and the second section.”

As discussed above, there is no disclosure within Gale of including an additional (third) joint between the top section and the bottom section of the fitment. Additionally, the packaging materials taught by Gale fail to disclose, teach or suggest a detachable joint that allows a top section of a packing support to be removed such that an information handling system can be removed from a box while the bottom section of the packaging support remains in the box. Additionally, Examiner’s description of the material qualities of the fitments is incorrect and does not support the disconnection/detachment sequence proffered by the Examiner.

Further, PA1 fails to disclose, teach or suggest providing a packaging system with at least three detachable joint or providing the claimed detachability.

For at least these reasons, Applicant respectfully submits that the combination of Gale and PA1, considered alone or in combination, fail to disclose, teach or suggest each and every element as set forth in Independent Claim 8. Accordingly, Applicant requests reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claim 8 and Claims 9-12 and 14 which depend therefrom.


**CONCLUSION**

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of remaining Claims 1-14, as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2548.

Respectfully submitted,  
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